

FOR INFORMATION
DA-2014-33
July 23, 2014

Subject: Federal Order for U.S. Imports of Host Materials of Tomato Leaf Miner (*Tuta absoluta*)

To: State and Territory Agricultural Regulatory Officials

This Federal Order replaces the previous tomato leaf miner (*Tuta absoluta*) Federal Order DA-2012-21 that is dated August 14, 2012. It also updates the list of countries infested by tomato leaf miner to include:

- Benin *
- Burkina Faso *
- Cape Verde *
- Costa Rica *
- Cote D'Ivoire *
- Gambia, The *
- Ghana *
- Guinea *
- Guinea-Bissau *
- Kenya
- Liberia *
- Mali *
- Niger *
- Nigeria *
- Senegal *
- Sierra Leone *
- South Sudan
- Togo *
- Ukraine

**Countries approved to export tomatoes to the United States*

This Federal Order is effective August 6, 2014.

APHIS continues to require that tomatoes **do not** contain vines, stems, or calyces when imported under a systems approach from a country infested with *T. absoluta*. APHIS also prohibits imports of *Datura spp.*, except seeds, pending the completion of a pest risk analysis (PRA) and the implementation of appropriate mitigation measures to prevent the introduction and establishment of *T. absoluta*. The attached Federal Order contains the details of the import requirements.

For additional information regarding this Federal Order, please call Senior Regulatory Policy Specialist Ms. Claudia Ferguson at 301-851-2352 or write to her at <Claudia.Ferguson@aphis.usda.gov>.

/s/

Osama El-Lissy
Deputy Administrator
Plant Protection and Quarantine

Attachment: Federal Order

FEDERAL ORDER

Tomato Leaf Miner (*Tuta absoluta*)

DA-2014-33
July 23, 2014

The purpose of this Federal Order is to prevent the entry or introduction of the harmful plant pest known as the tomato leaf miner (*Tuta absoluta*) from foreign countries into the United States. In 2009, 2010, 2011, and 2012, the Animal and Plant Health Inspection Service (APHIS) issued Federal Orders that imposed new entry requirements for tomato leaf miner hosts from infested countries. This Federal Order, effective August 6, 2014, updates the list of countries infested by tomato leaf miner to include:

- Benin
- Burkina Faso
- Cape Verde
- Costa Rica
- Cote D'Ivoire
- Gambia, The
- Ghana
- Guinea
- Guinea-Bissau
- Kenya
- Liberia
- Mali
- Niger
- Nigeria
- Senegal
- Sierra Leone
- South Sudan
- Togo
- Ukraine

This Federal Order is issued in accordance with the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a). The Act authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States. This Federal Order is also issued pursuant to the regulations promulgated under the Plant Protection Act and found in the *Code of Federal Regulations* at 7 CFR 301.53.

The APHIS Administrator determined that the introduction and establishment of tomato leaf miner poses a serious threat to U.S. agriculture. The restrictions to prevent the introduction and establishment of tomato leaf miner are needed and warranted to address the plant pest risks that are associated with imports of tomato fruit and of *Datura spp.* plants for planting, except seeds.

The tomato leaf miner is a small moth in the family Gelechiidae, order Lepidoptera. Depending on environmental conditions, the moth's life cycle is completed in 29 to 38 days, and there may be 10 to 12 generations per year. The moth is widely distributed in South America. In 2006, it was reported in Spain and later spread to other European, Mediterranean, African, and Asian countries. The main host for tomato leaf miner is the tomato (*Solanum lycopersicum*). The insect is considered a serious pest of all the parts of a tomato, and it causes major damage if left untreated. In addition, it is reported to feed on potato (*Solanum tuberosum*) leaves and tubers,

eggplant (*Solanum melongena*) leaves and fruit, common bean leaves (*Phaseolus vulgaris*), and pepper leaves (*Capsicum* spp.).

Datura spp. are also a tomato leaf miner host. Therefore, it is necessary to prohibit the importation of all *Datura* spp. plants for planting, except seeds, from countries that are infested with tomato leaf miner pending the completion of a pest risk analysis (PRA) and the implementation of appropriate mitigation measures.

As amended by this Federal Order, the following countries are considered infested with tomato leaf miner:

- Albania
- Algeria*
- Argentina
- Austria
- Bahrain
- Belgium*
- Benin*
- Bolivia
- Brazil
- Bulgaria
- Burkina Faso*
- Cape Verde*
- Chile*
- Costa Rica*
- Cote D'Ivoire*
- Colombia
- Cyprus*
- Czech Republic
- Denmark
- Ethiopia
- Ecuador
- Egypt
- Estonia
- Finland
- France*
- Gambia, The*
- Ghana*
- Germany
- Greece*
- Guinea*
- Guinea-Bissau*
- Hungary
- Iran
- Iraq
- Ireland
- Israel*
- Italy*
- Jordan
- Kenya
- Kosovo
- Kuwait
- Latvia
- Lebanon
- Libya
- Liberia*
- Lithuania
- Luxembourg
- Mali*
- Malta
- Morocco*
- Netherlands*
- Niger*
- Nigeria*
- Oman
- Panama*
- Paraguay
- Peru
- Poland*
- Portugal (including the Azores)*
- Qatar
- Romania
- Russia
- Saudi Arabia
- Senegal*
- Sierra Leone*
- Slovakia
- Slovenia
- South Sudan
- Spain (including the Canary Islands and Balearic Islands)*
- Sudan
- Sweden
- Switzerland
- Syria
- Togo*
- Tunisia
- Turkey
- Ukraine
- United Kingdom (including Bermuda, Cayman Islands, Montserrat, regions of England, Orkney Islands, Scotland Wales, and the Channel Islands)*
- United Arab Emirates
- Uruguay
- Venezuela
- West Bank (Palestinian Authority)
- Western Sahara*
- Yemen

*Countries approved to export tomatoes to the United States

Shipments of tomato fruit from countries that are infested with tomato leaf miner must meet one of the following U.S. import requirements:

1. Tomato Leaf Miner Pest-free area

- Tomato fruit must be imported as commercial consignments only.
- Each tomato consignment must include a phytosanitary certificate of inspection issued by the national plant protection organization of the country of origin and bearing the following additional declaration: “Tomato fruit in this consignment was produced in a pest-free area for *Tuta absoluta* that meets the requirements of 7 CFR 319.56-5.”

2. Systems approach

The systems approach **must** include **all** of the following:

- Tomato fruit must be imported as commercial consignments only.
- Tomato fruit must be imported **without** vines, stems, or calyces.
- Tomatoes must be grown in pest exclusionary structures (PES), for example, greenhouses or screen houses that are registered with the national plant protection organization (NPPO) of the country of origin.
- The PES must be equipped with double self-closing doors, and all vents or openings in the PES (other than the double closing doors) must be covered with 1.6 mm or smaller screening to prevent the entry of quarantine pests into the PES.
- The PES must be equipped with pheromone baited traps for tomato leaf miner at a minimum rate of two traps per hectare or equivalent and with no fewer than two traps per PES for detection and monitoring.
- All traps must be placed at least two months prior to harvest, maintained throughout the growing season, and monitored and serviced weekly.
- The registered PES must be inspected by the NPPO or its designee throughout the growing season for evidence of tomato leaf miner. The NPPO must maintain trapping records of tomato leaf miner throughout the growing season for APHIS review.
- If within 30 days of harvest two tomato leaf miners are captured inside the PES or a single tomato leaf miner is found inside the fruit or in a consignment, then shipments from the PES will be suspended until APHIS and the NPPO determine that risk mitigation is achieved.

- The NPPO must maintain an APHIS-approved quality control program to monitor or audit the program. A list of approved pest exclusionary structures should be provided to APHIS, and the NPPO must also notify APHIS when a PES is removed or added to the program. APHIS may conduct periodic site visits to monitor the program.
- After harvest, tomatoes must be safeguarded by an insect-proof mesh size 1.6 mm or smaller screen or plastic tarpaulin while in transit from the PES to the packinghouse and while awaiting packing.
- Tomatoes must be packed within 24 hours of harvest in a pest exclusionary packinghouse.
- When the packinghouse processes tomatoes for export to the United States, it must accept only tomatoes from registered pest exclusionary structures.
- For transit to the United States, tomatoes must be packed in insect-proof cartons or containers or covered with insect-proof 1.6 mm mesh or plastic tarpaulin. These safeguards must remain intact until arrival in the United States. Otherwise, the consignment may be refused entry.
- Each consignment of tomatoes must be accompanied by either:
 - A phytosanitary certificate of inspection issued by the NPPO of the country of origin and bearing the following additional declaration: “Tomato fruit in this consignment was produced and prepared for export in accordance with an APHIS-approved systems approach and was inspected and found free of *Tuta absoluta*.”
 - or**
 - A re-export phytosanitary certificate accompanied by a copy of the phytosanitary certificate from the country of origin that includes the following additional declaration: “Tomato fruit in this consignment was produced and prepared for export in accordance with an APHIS-approved systems approach and was inspected and found free of *Tuta absoluta*.”

3. Phytosanitary Treatment

- As provided in 7 CFR 305, methyl bromide treatment schedule T101-c-3-1 is approved for green, red, or pink tomatoes produced in areas infested with tomato leaf miner.
- The methyl bromide treatment may only be applied in a preclearance program. Any tomato leaf miner infested country that is interested in forming a preclearance program should contact APHIS Plant Protection and Quarantine.

This Federal Order requires tomato fruit to be imported from infested countries **without vines, stems, or calyces** unless they were produced in a pest-free area or fumigated with methyl bromide treatment schedule T101-c-3-1 in a preclearance program.

For more information regarding this Federal Order you may call Senior Regulatory Policy Specialist Claudia Ferguson at 301-851-2352 or write to her at <Claudia.Ferguson@aphis.usda.gov>.